

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments during an
5 interview on 8 May 2003 which have greatly assisted Applicant in responding.

2. 35 U.S.C. §103(a). The Examiner has rejected Claims 8-9, 13-15, 19-21, 23,
28, 36-37, 41-43, 47-49, 51, and 56-58 under 35 U.S.C. §103(a) as being
unpatentable over Logan et al. (U.S. Patent No. Re. 36,801) in view of Abecassis
10 (U.S. Patent No. 6,504,990).

Applicant notes that, as discussed with the Examiner, that the present Application
has a priority date of 30 July 1998 which predates Abecassis. Applicant has
amended the Specification to reflect the priority date. Therefore, Abecassis does
15 not apply.

Claims 8-9, 13-15, 19-21, 23, 28, 36-37, 41-43, 47-49, 51, and 56-58 are in
allowable condition. Therefore, Applicant respectfully requests that the Examiner
withdraw the rejection under 35 U.S.C. §103(a).

20 3. 35 U.S.C. §103(a). The Examiner has rejected Claims 11, 17, 22, 39, 45,
and 50 under 35 U.S.C. §103(a) as being unpatentable over Logan et al. (U.S.
Patent No. Re. 36,801) in view of Abecassis (U.S. Patent No. 6,504,990) and further
in view of Mankovitz et al. (U.S. Patent No. 6,341,195).

25 The rejection of Claims 11, 17, 22, 39, 45, and 50 under 35 U.S.C. §103(a) is
deemed moot in view of Applicant's comments concerning Claims 8, 14, 20, 36, 42,
and 48, above. Claims 11, and 17, and 22, and 39, and 45, and 50 are dependent
upon Claims 8, 14, 20, 36, 42, and 48, respectively, which are in allowable
30 condition. Therefore, Applicant respectfully requests that the Examiner withdraw
the rejection under 35 U.S.C. §103(a).

4. 35 U.S.C. §103(a). The Examiner has rejected Claims 10, 12, 16, 18, 24-25,
38, 40, 44, 46, and 52-53 under 35 U.S.C. §103(a) as being unpatentable over

Logan et al. (U.S. Patent number Re. 36,801) in view of Abecassis (U.S. Patent No. 6,504,990) and further in view of Fujita et al. (U.S. Patent No. 6,292,619).

5 The rejection of Claims 10, 12, 16, 18, 24-25, 38, 40, 44, 46, and 52-53 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 8, 14, 20, 36, 42, and 48, above. Claims 10, 12, and 16, 18, and 24-25, and 38, 40, and 44, 46, and 52-53 are dependent upon Claims 8, 14, 20, 36, 42, and 48, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

10 5. 35 U.S.C. §103(a). The Examiner has rejected Claims 26-27 and 54-55 under 35 U.S.C. §103(a) as being unpatentable over Logan et al. (U.S. Patent No. Re. 36,801) in view of Abecassis (U.S. Patent No. 6,504,990) and further in view of Kobayashi et al. (U.S. Patent No. 5,754,254).

15 The rejection of Claims 26-27 and 54-55 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 20 and 48, above. Claims 26-27 and 54-55 are dependent upon Claims 20 and 48, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner
20 withdraw the rejection under 35 U.S.C. §103(a).

25 6. 35 U.S.C. §103(a). The Examiner has rejected Claims 1-2, 6-7, 29-30, and 34-35 under 35 U.S.C. §103(a) as being unpatentable over Logan et al. (U.S. Patent No. Re. 36,801) in view of Kobayashi et al. (U.S. Patent No. 5,754,254) and further in view of Yasukohchi et al. (U.S. Patent No. 6,278,837).

Applicant respectfully disagrees.

30 As discussed with the Examiner, the reasoning that Kobayashi's invention will increase the quality of the video signal by processing the video and audio signals separately as the Office Action states is not the reason why the claimed invention separates the video and audio signals. A digital video recorder records what it receives. If a distorted signal is received, the digital video recorder will record the distorted signal as it is received with no video signal quality increase. Simply put, a

digital video recorder is much like software where garbage in results in garbage out.

5 Kobayashi specifically teaches a digital video and audio mixing system. Kobayashi needs to separate the video and audio signals to allow the user to create a final video that comprises the user's custom mix of video and audio sections. There is no video signal quality increase in Kobayashi due to the processing of video and audio signals separately. To increase the video signal quality would require a filtering process that would add artifacts to the resultant video. The claimed
10 invention uses no such filters and neither does Kobayashi.

Therefore, as discussed with the Examiner, there is no teaching or suggestion to combine the references as suggested by the Office Action.

15 Therefore, Logan in view of Kobayashi and further in view of Yasukohchi do not teach or disclose the invention as claimed.

Claims 1 and 29 are allowable. Claims 2, 6-7, and 30, 34-35 are dependent upon Claims 1 and 29, respectively. Applicant respectfully requests that the Examiner
20 withdraw the rejection under 35 U.S.C. §103(a).

7. 35 U.S.C. §103(a). The Examiner has rejected Claims 3, 5, 31, and 33 under 35 U.S.C. §103(a) as being unpatentable over Logan et al. (U.S. Patent No. Re. 36,801) in view of Kobayashi et al. (U.S. Patent No. 5,754,254) and Yasukohchi
25 et al. (U.S. Patent No. 6,278,837) and further in view of Fujita et al. (U.S. Patent No. 6,292,619).

The rejection of Claims 3, 5, 31, and 33 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1 and 29, above. Claims 3, 5,
30 and 31, 33 are dependent upon Claims 1 and 29, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

8. 35 U.S.C. §103(a). The Examiner has rejected Claims 4 and 32 under 35
35 U.S.C. §103(a) as being unpatentable over Logan et al. (U.S. Patent number Re.

36,801) In view of Kobayashi et al. (U.S. Patent No. 5,754,254) and Yasukohchi et al. (U.S. Patent No. 6,278,837) and further in view of Mankovitz et al. (U.S. Patent No. 6,341,195).

- 5 The rejection of Claims 4 and 32 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1 and 29, above. Claims 4 and 32 are dependent upon Claims 1 and 29, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

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CONCLUSION

- Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

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Respectfully Submitted,



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Customer number 22862.

Version with markings to show changes made

In The Specification

5 Under "Cross Reference to Related Applications", please replace the paragraph on page 1, lines 6-7 to:

-- This application is a divisional of U.S. Patent Application Ser[ial], No. 09/827,029, filed on 5 April [5,] 2001 (Attorney Docket No. TIVO0003C) which is a continuation
10 of U.S. Patent Application Ser. No. 09/126,071 (now U.S. Patent No. 6,233,389),
filed on 30 July 1998--.